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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/681,371	10/09/2003	Teppei Nagano	50353-623	6385

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MCDERMOTT, WILL & EMERY
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Washington, DC 20005-3096

EXAMINER
AMAYA, CARLOS DAVID

ART UNIT	PAPER NUMBER
2836	

DATE MAILED: 10/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/681,371

Applicant(s)

NAGANO ET AL.

Examiner

Carlos Amaya

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 03/26/2006, 10/09/2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-5, 8-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Sasaki (US 7,068,146).

With respect to claim 1 and 10 Sasaki discloses a door lock/unlock system for a vehicle (vehicle door lock apparatus), comprising: a door lock state detector detecting whether a door of the vehicle is put in a lock state (since a lock request signal is received by the vehicle the vehicle has a door lock state detector to detect if the doors are lock, column 5 lines 23-30); a door open state detector (door open/closed state detection unit) detecting whether the door is open; a door lock mechanism (lock unit)

through which the door is locked and unlocked; and a controller (microcomputer 2, figure 1) connected to the door lock state detector, the door open state detector and the door actuator (see figure 1), the controller being arranged, to compare a first lock/unlock state detected during the door open state with a second lock/unlock state detected at a moment when an open/close state is changed from an open state to a closed state (Sasaki discloses that an open/closed door is detected, and it must also detect the lock/unlock state, because when the door is closed an automatic lock mode is entered, which locks all the doors, column 3 lines 1-20), to maintain the state of the door lock mechanism when the first lock/unlock state corresponds to the second lock/unlock state (Sasaki's invention discloses that the state of the door after the door is closed is maintain, when a predetermined time has elapsed since the door on the driver's side is closed and a lock request is not received, Column 4 lines 8-11), and to set the state of the door lock mechanism at the first lock/unlock state when the first lock/unlock state does not corresponds to the second lock/unlock state. Sasaki discloses a key state detection switch 16 to prevent locking of the door when the door is open; keeps the first state detected when the door is open and maintains the first state when the door is closed and the second state does not corresponds to the first state, thus preventing locking of the doors.

With respect to claim 2 Sasaki disclose the door lock/unlock system as claimed in claim 1, wherein the controller is further arranged to count a predetermined time period from a moment that the open/close state is changed from the open state to the closed state and to compare the first lock/unlock state and the second lock/unlock state

when the counted time period is smaller than the predetermined time period (Sasaki discloses that when a door is closed (after being open), the door's lock/unlock state are check and is waiting for a command to lock or unlock, and a predetermined time has elapsed and a lock request is not received, a lock unit does not conduct door locking this operation is performed by the microcomputer 2).

With respect to claim 3 Sasaki disclose the door lock/unlock system as claimed in claim 1, wherein the door lock mechanism comprises a door lock actuator (door lock actuator 9) which is connected to the controller and through which the door lock mechanism changes the lock/unlock state of the door (figure 1).

With respect to claim 4 Sasaki discloses the door lock/unlock system as claimed in claim 1, wherein the door lock state detector, the door open state detector and the door lock mechanism are attached to each of the doors of the vehicle (figure 1, column 7 lines 15-29).

With respect to claim 5 Sasaki discloses the door lock/unlock system as claimed in claim 1, wherein the controller is further arranged to repeatedly store a lock/unlock state detected by the door lock state detector in a memory of the controller as the first lock/unlock state when the door is open (Sasaki discloses that a flag f1 is store to determined whether or not the automatic lock mode is entered, thus the lock/unlock state is checked and store, column 8 lines 16-30).

With respect to claim 8 Sasaki discloses the door lock/unlock system as claimed in claim 1, further comprising a door locking knob through which a vehicle occupant in a passenger compartment of the vehicle is capable of locking the door. A door of the

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vehicle disclosed has a locking knob since a person can open/closed the door from the inside.

With respect to claim 9 Sasaki discloses a method for controlling a lock/unlock state of a door of a vehicle, the method comprising: detecting whether the door is put in a lock state; detecting whether the door is open; comparing a first lock/unlock state detected during the door open state with a second lock/unlock state detected at a moment when an open/close state is changed from an open state to a closed state; maintaining the state of a door lock mechanism for locking and unlocking the door when the first lock/unlock state corresponds to the second lock/unlock state; and setting the state of the door lock mechanism at the first lock/unlock state when the first lock/unlock state does not corresponds to the second lock/unlock state. One of ordinary skill in the art would have necessarily performed the recited method steps when using the apparatus disclosed in claim 1.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki (US 7,068,146) in view of Yamazaki (US 5,621,251).

With respect to claim 6 Sasaki discloses the door lock/unlock system as claimed in claim 1, except for the overlay switch for setting the lock/unlock state with a priority to the determination based on the door lock state detector.

Yamazaki, however, discloses a centralized switch 4 provided inside the driver's seat side door, this switch 4 has a priority since it can lock/unlock all the doors in the vehicle except for the driver's door; this switch is obviously actuated in dependence of the state of a the door locks located in the vehicle's doors.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included the overlay switch 4 disclosed by Yamazaki for setting the lock/unlock state with priority in Sasaki's invention.

The suggestion or motivation for doing so would have been to provide a means for controlling all of the vehicle's doors by pressing a button.

With respect to claim 7 Sasaki in view of Yamazaki disclose the door lock/unlock system as claimed in claim 6, wherein the overlay switch includes a concentrated door lock/unlock switch through which a driver of the vehicle concentratedly controls the door lock/unlock state of all of the doors of the vehicle (Sasaki invention's portable transmitter 21 has a lock switch 22 for locking all the doors in the vehicle, once the signal is received and process by the microcomputer).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Amaya whose telephone number is (571) 272-8941. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on (571)272-2800. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CA



**CHAU N. NGUYEN
PRIMARY EXAMINER**